

Members

Sen. Thomas Wyss, Chairperson
Sen. Brandt Hershman
Sen. Ron Alting
Sen. Timothy Lanane
Sen. Sam Smith
Sen. Timothy Skinner
Rep. William Ruppel, Vice-Chairperson
Rep. Cindy Noe
Rep. Jackie Walorski
Rep. John Aguilera
Rep. Scott Reske
Rep. Vern Tinchner



INTERIM STUDY COMMITTEE ON PUBLIC SECURITY AND REGULATORY MATTERS

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MEETING MINUTES¹

Meeting Date: September 21, 2005
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St.,
Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Thomas Wyss, Chairperson; Sen. Brandt Hershman; Sen. Ron Alting; Sen. Timothy Lanane; Rep. William Ruppel, Vice-Chairperson; Rep. Cindy Noe; Rep. Jackie Walorski; Rep. John Aguilera; Rep. Vern Tinchner.

Members Absent: Sen. Sam Smith; Sen. Timothy Skinner; Rep. Scott Reske.

I. Call to Order.

Senator Thomas Wyss, Chairman, called the meeting to order at 10:15 A.M.

II. Presentation by the State Boxing Commission.

Wade Lowhorn, Deputy Director of the Indiana Professional Licensing Agency, and Jacob Hall, Director of the Indiana Boxing Commission, gave a presentation on the regulatory powers and organizational structure of the State Boxing Commission.

Mr. Lowhorn and Mr. Hall highlighted and reviewed the Report of the Indiana Professional Licensing Agency (Exhibit 1).

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

The Committee then discussed the following issues with Mr. Hall and Mr. Lowhorn.

- deaths resulting from "toughman" competitions
- medical personnel required to be in attendance at "toughman"
- effectiveness of possible regulation of "toughman"
- medical personnel required to be in attendance at boxing matches
- costs associated with regulating "toughman"
- requiring facilities and venues to provide physicians at "toughman"
- regulating mixed martial arts
- banning "toughman"

Bill Bowling of the Mixed Martial Arts Federation then shared his experiences as a referee for both "toughman" and mixed martial arts contests. Mr. Bowling expressed his view that these contests could be regulated and could be a source of revenue for the state.

III. Discussion of Identity Theft Issues.

Michael Barnhart, Legislative Liaison for the Bureau of Motor Vehicles (BMV), and Steve Leak, Assistant Commissioner for Vehicle and Driver Services of the BMV, made a presentation to the Committee regarding the progress by the BMV in implementing the federal "Real I.D." Act (Exhibit 2).

The Committee discussed the following issues and concerns with Mr. Barnhart and Mr. Leak.

- the need for a physical address from applicants
- temporary IDs
- proof of identity requirements
 - exemptions for military personnel
 - exemptions for religious reasons
- concerns regarding the use of social security numbers on certain documents
- verification costs
- centralized issuance systems
- penalties for providing false information

Rep. Jackie Walorski presented draft legislation regarding disclosure of security breaches and encryption of data by entities holding customers' and clients' personal identification information (Exhibit 3).

Rep. Walorski highlighted the draft for the Committee. She explained that this draft was an attempt to protect consumers' personal information while remaining business friendly.

Rep. Walorski then asked the Chairman to allow Detective Sergeant Dominic Zultanski of the South Bend Police Department to testify. Detective Zultanski shared his experiences with identity theft as an investigator in that area. His message was that companies should be required to use due diligence in protecting clients' and consumers' personal identification information.

Chantele Mack of the Consumer Data Industry Association in Washington, D.C., testified that her organization supported the draft as a good starting point and looked forward to working with Rep. Walorski and others on this issue.

Jason Thompson and Shaka Jones of the Attorney General's (AG) Office testified on the AG's position on this issue. Mr. Thompson and Mr. Jones explained that the AG's Office supports the

central idea of the draft, but has concerns about the following issues:

- "reasonable belief" standard of proof regarding security breaches
- thresholds for the notification requirements of the companies or entities involved

Mark Carnell of the Indiana State Police testified in support of the draft, but also asked that the notification requirements be looked at further.

Steve Johnson of the Prosecuting Attorney's Council testified that his organization supports the draft, but expressed the following concerns with respect to identity theft.

- it is not against the law to steal the identity of a dead person
- jurisdiction and venue clarification
- possible penalty pyramiding considering the age of the victims, number of victims, prior convictions, and the amount of money involved
- trafficking of identity information
- procedures to clear the record of identity theft victims

Jim Cousins of the Indiana Banker's Association testified that his organization supports the draft, but asked that as the draft is revised it remain in parallel with pending federal legislation.

John Kappin of the Indiana Telecommunications Association testified that they supported the draft, but were concerned with the effect on smaller companies who contract for billing services.

Heather Macek representing Microsoft Corporation testified that they support the draft, and only asked that uniformity with federal laws as well as other state laws be considered in any possible revisions.

Mark Shublak representing Techpoint testified that Techpoint supports the draft, and he reiterated the concerns with uniformity.

IV. Adjournment and Next Meeting Date.

The Chairman reminded members that their next meeting would be on October 6, 2005, at 10:00 A.M. in the Senate Chambers. He said that the only issue on the agenda would be the issues of the Department of Homeland Security.

The Chairman adjourned the meeting at 12:55 P.M.